



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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September 9, 2002

Ref: 8EPR-EP

Gary Beach, Administrator
Water Quality Division
Wyoming Department of Environmental Quality
Herschler Building
122 West 25th Street
Cheyenne, Wyoming 82002

Re: Clean Water Act Section 303(d)
Total Maximum Daily Load (TMDL) Waterbody List

Dear Mr. Beach:

Thank you for your submittal of Wyoming's year 2002 Clean Water Act Section 303(d) waterbody list dated July 10, 2002. EPA has conducted a complete review of this waterbody list and supporting documentation and information. Based on this review, EPA has determined that Wyoming's 2002 list of water quality limited segments (WQLSs) still requiring TMDLs meets the requirements of Section 303(d) of the Clean Water Act ("CWA" or "the Act") and EPA's implementing regulations. Therefore, by this order, EPA hereby APPROVES Wyoming's Section 303(d) list. Please see the enclosure for a description of the statutory and regulatory requirements and a summary of EPA's review of Wyoming's compliance with each requirement.

EPA's approval of Wyoming's Section 303(d) list extends to all waterbodies on the list with the exception of those waters that are within Indian Country, as defined in 18 U.S.C. Section 1151. EPA is taking no action to approve or disapprove the State's list with respect to those waters at this time. EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under Section 303(d) for those waters.

EPA recognizes that the State included on the 2002 Section 303(d) list some WQLSs beyond those that are required by EPA regulations, e.g., waters where there is no pollutant associated with the impairment. States and territories should consider scheduling these waters for monitoring to confirm that there continues to be no pollutant-caused impairment and to support appropriate water quality management actions to address the cause(s) of the impairment. While EPA is not taking any action to approve or disapprove the State's list due to the inclusion of such waters, neither the State nor EPA has an obligation under current EPA regulations to develop TMDLs for such waters because the waters are not impaired by a pollutant. States have the discretion under Section 303(d), which charges States with the primary responsibility to identify WQLSs for TMDL development, and Section 510, which authorizes States to adopt more stringent pollution controls, to include waters on their Section 303(d) lists that may not be required to be included by current EPA regulations, and EPA's regulations do not compel the Agency to disapprove the State's list because of the inclusion of such waters. EPA guidance also recognizes that States may take a conservative, environmentally protective approach in identifying waters on their Section



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303(d) lists. See National Clarifying Guidance for 1998 Section 303(d) Lists, Aug. 27, 1997.

The public participation process sponsored by Wyoming DEQ included public meetings, wide distribution of a press release regarding the draft list, official public notices on the list availability, use of the Wyoming DEQ website, and a mailing to many entities asking for both comments and additional data or information on waters. Further, the State has relied on input from the State TMDL Workgroup to aid in development of the 2002 list. We commend the state for its thorough public participation process.

We wish to inform you that our office has received concurrence from the U.S. Fish and Wildlife Service regarding our biological evaluations of the approval of the State's year 2002 waterbody list. Our biological evaluation that addressed our approval was submitted to the Service in accordance with Section 7 of the Endangered Species Act. In our evaluation, we assessed the effects of our approval on the threatened, endangered, proposed, and candidate species throughout the State. Our conclusion was that our approval of the State's list would not likely have an adverse effect on the species of concern. Any effect of the list approval was seen as either insignificant or beneficial to the species.

Under current regulations, the next Section 303(d) list is required to be submitted on April 1, 2004. We suggest you stay abreast of EPA's pending rulemaking for the TMDL program since there may be a change in the April 2004 date. In any case, we invite states to recommend changes to the list during the interim period as they deem necessary. All additions, deletions and modifications to the list will require EPA approval.

Again, thank you for the efforts related to the good job of developing the §303(d) TMDL waterbody list for the 2002-2004 biennium. If you have questions on any of the above information, feel free to give me, or Bruce Zander (303/312-6846) of my staff, a call.

Sincerely,

Max H. Dodson
Assistant Regional Administrator
Ecosystems Protection and
Remediation

Enclosure

cc: Susan Daggett (Earthjustice)
1631 Glenarm Place, #300
Denver, CO 80202-4303

Review of Wyoming's 2002 Section 303(d) Waterbody List

*Attachment to September 9, 2002 letter from Max H. Dodson, Assistant Regional Administrator,
Office of Ecosystems Protection and Remediation, US EPA, Region VIII to Gary Beach, Administrator
Water Quality Division, Wyoming Department of Environmental Quality*

Date of Transmittal Letter from State: July 10, 2002
Date of Receipt by EPA: July 15, 2002

I. Introduction

The purpose of this review document is to describe the rationale for EPA's approval of Wyoming's 2002 Section 303(d) waterbody list. The following sections identify those key elements to be included in the list submittal based on the Clean Water Act ("Act" or "CWA") and EPA regulations. See 40 CFR 130.7. EPA reviewed the methodology used by the State in developing the §303(d) list and the State's description of the data and information it considered. EPA's review of Wyoming's §303(d) list is based on EPA's analysis of whether the State reasonably considered existing and readily available water quality-related data and information and reasonably identified waters required to be listed.

Wyoming's 2002 list is considered an update of the State's 2000 list, and as such, the §303(d) list EPA is approving today is comprised of 54 waterbodies from the 2000 list plus 66 additional waterbodies. States may add and take off waters from their §303(d) lists based on several factors. Wyoming delisted 17 waterbodies from its year 2000 list and added 66 waters in 2002. Wyoming had 71 waterbodies on its year 2000 list and has 120 waters on its year 2002 list.

II. Statutory and Regulatory Background

A. Identification of Water Quality Limited Segments (WQLSs) for Inclusion on Section 303(d) List

Section 303(d)(1) of the Act directs States to identify those waters within its jurisdiction for which effluent limitations required by Section 301(b)(1)(A) and (B) are not stringent enough to implement any applicable water quality standard, and to establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters. The Section 303(d) listing requirement applies to waters impaired by point and/or nonpoint sources, pursuant to EPA's long-standing interpretation of Section 303(d).

EPA regulations provide that States do not need to list waters where the following controls are adequate to implement applicable standards: (1) technology-based effluent limitations required by the Act, (2) more stringent effluent limitations required by State or local authority, and (3) other pollution control requirements required by State, local, or federal authority. (See 40CFR 130.7(b)(1))

B. Consideration of Existing and Readily Available Water Quality-Related Data and Information

In developing Section 303(d) lists, States are required to assemble and evaluate all existing and readily available water quality-related data and information, including, at a minimum, consideration of existing and readily available data and information about the following categories of waters: (1) waters identified as partially meeting or not meeting designated uses, or as threatened, in the State's most recent Section 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate nonattainment of applicable standards; (3) waters for which water quality problems have been reported by governmental agencies, members of the public, or academic institutions; and (4) waters identified as impaired or threatened in any Section 319 nonpoint assessment submitted to EPA. (See 40 CFR 130.7(b)(5)) In addition to these minimum categories, States are required to consider any other data and information that is existing and readily available. EPA's 1991 Guidance for Water Quality-Based Decisions describes categories of water quality-related data and information that may be existing and readily available. (See Guidance for Water Quality-Based Decisions: The TMDL Process, EPA Office of Water, 1991, Appendix C ("EPA's 1991 Guidance")) While States are required to evaluate all existing and readily available water quality-related data and information, States may decide to rely or not rely on particular data or information in determining whether to list particular waters.

In addition to requiring States to assemble and evaluate all existing and readily available water quality-related data and information, EPA regulations at 40 CFR 130.7(b)(6) require States to include as part of their submissions to EPA documentation to support decisions to rely or not rely on particular data and information and decisions to list or not list waters. Such documentation needs to include, at a minimum, the following information: (1) a description of the methodology used to develop the list; (2) a description of the data and information used to identify waters; and (3) any other reasonable information requested by the Region.

C. Priority Ranking

EPA regulations also codify and interpret the requirement in Section 303(d)(1)(A) of the Act that States establish a priority ranking for listed waters. The regulations at 40 CFR 130.7(b)(4) require States to prioritize waters on their Section 303(d) lists for TMDL development, and also to identify those WQLSs targeted for TMDL development in the next two years. In prioritizing and targeting waters, States must, at a minimum, take into account the severity of the pollution and the uses to be made of such waters. (See Section 303(d)(1)(A)) As long as these factors are taken into account, the Act provides that States establish priorities. States may consider other factors relevant to prioritizing waters for TMDL development, including immediate programmatic needs such as wasteload allocations for permits, vulnerability of particular waters as aquatic habitats, recreational, economic, and aesthetic importance of particular waters, degree of public interest and support, and State or national policies and priorities. (See 57 FR 33040, 33045 (July 24, 1992), and EPA's 1991 Guidance.)

III. Analysis of Wyoming's Submission

A. Background

EPA has reviewed the State's submission, and has concluded that the State developed its Section 303(d) list in compliance with Section 303(d) of the Act and 40 CFR 130.7. EPA's review is based on its analysis of whether the State reasonably considered existing and readily available water quality-related data and information and reasonably identified waters required to be listed.

The Wyoming 2002 Section 303(d) waterbody list was incorporated into the State's Section 305(b) report as an appendix to that report. (See Wyoming's 2002 305(b) State Water Quality Assessment Report and 2002 303(d) List of Waters Requiring TMDLs (July 2002)) This is consistent with the option provided to States at 40 CFR Part 130.7(d) (1), which provides that lists may be submitted as part of the State's biennial Section 305(b) report. Wyoming's 305(b)/303(d) submittal sent to EPA with correspondence dated July 10, 2002 included the following items:

- a brief narrative describing the progress made over the last two years toward more comprehensive monitoring and assessment in Wyoming;
- a discussion on the changes made to the State's water quality standards;
- a discussion on the state of coal bed methane development in the State;
- a summary of a basin-by-basin description of the designated use support analysis performed by the State;
- a summary of the status of designated use support for the entire State;
- the year 2002 §303(d) waterbody list including:
 - . waters identified as being on the 2002 §303(d) list as given in Tables A, B, C
 - . waters identified as previously listed on the 2000 §303(d) and not included on the 2002 §303(d) list (Table D)
- a summary of comments received by the State on the §303(d) list as well as the State's responses to comments;
- a summary of comments received by the State on the State's listing methodology and responses to comments;
- "Method for Determining Water Quality Condition of Surface Waters" (June 10, 2002)

The State relied, in part, on the provisions included in the Credible Data Law (Sections 35-11-103(c)(xix) and 35-11-302(b), Wyoming Statutes Annotated) in the course of assessing waterbodies for the 305(b)/303(d) submittal. EPA considered these items as well as the documents listed in the references below.

The Credible Data Law, which established additional provisions used by the State in assessing its waters, requires the Department of Environmental Quality to utilize "credible data" in its decisions concerning whether a waterbody's uses are impaired. The Law provides the following definition:

“Credible data” means scientifically valid chemical, physical and biological monitoring data collected under an accepted sampling and analysis plan including quality control, quality assurance procedures and available data.” (Section 35-11-103(c)(xix), Wyoming Statutes Annotated.)

After review of Wyoming’s year 2002 list, EPA has concluded that the waters added to the list were based on data and information consistent with the State’s listing methodology, including credible data provisions. Further, EPA has concluded that waters taken off the list were done so because TMDLs were developed or the State correctly determined that TMDLs were no longer needed. Two candidate waters were not included on the State’s year 2002 list because the data and information associated with those waters did not comply with the Wyoming credible data law. These waterbodies were not listed because the data from these waters did not comply with the quality assurance/quality control (QA/QC) provisions found in the law. An example of a water not listed because of QA/QC deficiencies is Billie Creek (Hydrologic Unit Code 10180002). The State has committed to collecting data for Billie Creek during the 2002 field season that meets the QA/QC requirements

There is no indication that Wyoming de-listed a waterbody from its year 2000 §303(d) list for lack of credible data. Data that was used by the State as a basis to show a water is meeting water quality standards and should be delisted was data that complied with the State’s requirements regarding credible data.

The 2002 Section 303(d) waters are found on the following tables in the State’s submittal:

- . Table A - waters with water quality impairments
- . Table B - waters with WLA (wasteload allocation) discharge permits expiring
- . Table C - waters with water quality threats

These tables include the following information for each waterbody: the name of the major hydrologic basin for the waterbody, the 8 digit hydrologic unit code for the watershed in which the water is located, the location of the waterbody, the pollutant parameter(s) of concern, the data/information source, the beneficial use that is threatened or impaired, the priority for developing TMDLs, the water classification as found in the State water quality standards, and the year in which the waterbody was first included on the §303(d) list. The waters on Table B are the waters that are targeted for TMDL development over the next biennium 2000 - 2002.

Wyoming properly listed waters with nonpoint sources causing or expected to cause impairment, consistent with Section 303(d) and EPA guidance. Section 303(d) lists are to include all water quality-limited segments (WQLSs) still needing TMDLs, regardless of whether the source of the impairment is a point and/or nonpoint source. EPA’s long-standing interpretation is that Section 303(d) applies to waters impacted by point and/or nonpoint sources. This interpretation has been described in EPA guidance. (See EPA’s April 1991 Guidance and the August 27, 1997 EPA guidance listed below) In addition, this interpretation of Section 303(d) is

described in detail in a May 23, 1997, memorandum from Geoffrey Grubbs, Director of the Assessment and Watershed Protection Division, EPA Office of Water, to the FACA Workgroup on Section 303(d) Listing Criteria¹. (See Memorandum from Geoffrey H. Grubbs, Director, Assessment and Watershed Protection Division, to FACA Workgroup on Section 303(d) Listing Criteria, "Nonpoint Sources and Section 303(d) Listing Requirements", May 23, 1997) (See also Memorandum from Robert Perciasepe, Assistant Administrator, Office of Water, to Regional Administrators and Regional Water Division Directors, "New Policies for Establishing and Implementing TMDLs," August 8, 1997)

B. Identification of Waters and Consideration of Existing and Readily Available Water Quality-Related Data and Information

EPA has reviewed Wyoming's description of the data and information it considered for identifying waters on the §303(d) list. EPA concludes that the State properly assembled and evaluated all existing and readily available data and information, including data and information relating to the categories of waters specified in 40 CFR 130.7(b)(5). In particular, the state relied on information from the year 2000 §305(b) report, the year 2000 §303(d) list, assessments performed under the 319 non-point source program, as well as data and information obtained through an extensive process to solicit information from state, federal and citizen sources. The State's evaluation of data and information in each of these categories is described below.

■. *Waters identified by the State in its most recent section 305(b) report as "partially meeting" or "not meeting" designated uses or as "threatened" (§130.7(b)(5)(i))*

The most recent Section 305(b) report for Wyoming is its 2002 §305(b) report which was submitted at the same time as the §303(d) list. (The §303(d) list was included as an appendix in the 305(b) report). Assessment methodologies for the §303(d) list and the 305(b) report are the same, so the waters identified as "partially supporting," "not supporting," and "fully supported but threatened" for purposes of the 305(b) report are the same waters included on the State's §303(d) list.

Wyoming concluded that there were a range of uses that were impaired as a result of its assessment. Uses represented on the §303(d) list include agriculture, aquatic life, recreation, wildlife, and human health.

EPA concludes that Wyoming properly considered the waters identified in its most recent §305(b) report as "partially supporting," "not supporting," and "fully supported but threatened" in development of its 2002 §303(d) waterbody list.

¹ EPA convened a Federal Advisory Committee Act (FACA) Committee in November 1996. The report of this FACA committee is found in EPA document EPA 100-R-98-006 (July 1998).

- *Waters for which dilution calculations or predictive models indicate nonattainment of applicable water quality standards (§130.7(b)(5)(ii))*

Wyoming assembled and evaluated information from past and anticipated dilution calculations and predictive modeling. All waters for which NPDES discharge permits are expiring between April 1, 2002 and March 31, 2004 are on the 2000 § 303(d) list whenever the relevant permitting action will require a new or updated TMDL. The likelihood that these waters will need a new or updated TMDL is very high, thus qualifying them to be on the §303(d) list of waters in need of new or updated TMDLs. The listing of these waters is supported primarily by the past and anticipated results of dilution calculations and predictive modeling. The waterbodies in this category are included on Table B along with the TMDL parameters of concern. Waterbodies on this section of the §303(d) list generally do not have evidence (e.g., ambient monitoring data) of in-stream impairment, but are appropriately included on the §303(d) list because of the anticipated need for a new or updated TMDL.

EPA concludes that Wyoming properly considered waters for which dilution calculations or predictive models indicate nonattainment of applicable water quality standards in development of its 2002 §303(d) waterbody list.

- *Waters for which water quality problems have been reported by local, state, or federal agencies; members of the public; or academic institutions (§130.7(b)(5)(iii))*

The State widely solicited data and information while preparing the year 2002 §303(d) list. Data and information obtained as a result of this effort were evaluated and considered using the credible data criteria developed for the 2002 listing process. The State's submittal identified 10 agencies or groups that contributed data or information, all of which the State reviewed. If the State relied on such data/information to list a water, the source of data is listed under the column "data source" in the tables. For example, the tables indicate that the State used data and information from entities such as US Geological Survey, US Fish and Wildlife Service, local conservation districts, local natural resource districts, and the US Forest Service.

EPA concludes that Wyoming properly considered waters for which water quality problems have been reported by local, state, or federal agencies; members of the public; or academic institutions in development of its 2002 §303(d) waterbody list.

- *Waters identified by the State as impaired or threatened in a nonpoint assessment submitted to EPA under section 319 of the CWA or in any updates of the assessment (§130.7(b)(5)(iv))*

Wyoming has a direct link between its §303(d) waterbody list and the Section 319 nonpoint source project waters. All waters that have a 319 project that is directed to

addressing a particular water quality concern are on the §303(d) list. These waters are found primarily on Table C.

Historical nonpoint source assessment information and data were assembled and evaluated in the 2002 listing process. If that data and information indicated an impairment and were considered credible data based on the State guidelines for the 2002 list, then the water was included on the Section 303(d) waterbody list. Table A of the State's submittal includes waters in this category.

EPA concludes that Wyoming properly considered waters identified by the State as impaired or threatened in a nonpoint assessment submitted to EPA under section 319 of the CWA and any updates of the assessment in development of its 2002 §303(d) waterbody list.

The State relied on a broad range of data and information types. Ambient chemical data were used to list certain waters (e.g., Prairie Dog Creek was added to the year 2002 list (Table A) for manganese exceedences measured near the Tongue River confluence.). Other waters were listed based on the information that new or updated TMDLs would be needed to maintain state water quality standards below point source discharges (e.g., Polecat Creek was added to the list (Table B) for fecal coliform.) Further, waters were listed based on evaluative information related to the narrative and use classification portion of the State water quality standards where no numeric standard exists in the State standards, where the State determined that credible data or information does exist to make a use support determination (e.g., Bear River near Woodruff Narrows Reservoir was added to the list (Table A) for sediment impairments.).

C. Rationale Not to Use Certain Existing and Readily Available Data and Information

EPA has reviewed the State's rationale for not using certain data and information and have found such rationale reasonable and sufficient for purposes of Section 303(d.) EPA finds it reasonable for Wyoming to decide not to use for listing data and information on the basis of the State's evaluation of the data and information in light of quality control purposes, trend information, and age of data. Such criteria for classifying the quality of data types is consistent with EPA's 305(b) reporting guidelines. See EPA's September 1997 guidelines document listed below.

If a state elects to not use certain existing and readily available data and information from one of the categories as described in §130.7(b)(5), the state must provide a rationale for doing so. (See §130.7(b)(6)(iii))

For purposes of developing a technically sound waterbody list, the State developed minimum requirements for data and information use in the 2002 listing process that are outlined in "Method for Determining Water Quality Condition of Surface Waters" (June 10, 2002). Further,

the State adopted a “Credible Data Law” that limits the data and information that can be used to make water quality assessment decisions and defines what constitutes credible data. Both the State’s methodology and the credible data law were used as a basis to determine which data and information would be used and which would not be used as a basis to list a waterbody.

The State’s definition of “credible data” includes scientifically valid chemical, physical and biological data. In other words, the database for a waterbody would generally need to have all three types of data to make a determination regarding the use attainment status of the water. The law does, however, allow a determination that a waterbody is impaired based solely on chemical data if there is a numeric water quality standard relevant to that data. An example of this is the addition of Crazy Woman Creek to the year 2002 list because the chemical data showed exceedences of the State’s manganese standard for protection of human health.

The State provided its rationale for not relying on particular existing and readily available water quality-related data and information on a waterbody-specific basis in the attachment to its §305(b)/§303(d) document entitled “Comment to Wyoming’s Proposed 2002 30(d) List and 305(b) Report”. The waterbodies that were nominated for listing, but not listed because the State did not rely on the submitted data are:

- Sulphur Creek (HUC 16010101) Although there exists data showing that the benthic community in Sulphur Creek is indicative of some level of pollution stress, there is also data showing that Sulphur Creek support trout including spawning. The State considered this inconsistent information and ultimately decided not to use the benthic data as a basis for listing, but rather to commit to collecting data that would aid in determining whether an impairment exists and to what extent.
- Billie Creek (HUC 10180002) The data submitted to DEQ does not meet the QA/QC requirements established as part of Wyoming’s listing methodology. EPA has found the QA/QC provisions in the State’s listing methodology as reasonable and relevant to this situation. Therefore, EPA agrees with the State’s decision not to list Billie Creek. Further, the State has committed to working with the Medicine National Forest to collect data this year that meets the State’s QA/QC provisions.

There is no indication that the State either delisted a water or failed to list a water because it lacked the full complement of physical, biological, and chemical data. The waterbodies evaluated by the State for listing either had the appropriate physical, biological, and chemical data or had the appropriate chemical data to make a use support determination. EPA finds that the State’s procedure for evaluating data and information was consistent with EPA guidelines and regulations.

The state also delisted 17 waters from its §303(d) list. Fourteen of these waters were delisted based on the completion and EPA approval of TMDLs. One water (North Platte River) was delisted for arsenic because the water quality standard for arsenic had been relaxed, bringing the water into compliance with standards. Another water (Crow Creek) was delisted for

cadmium because recent monitoring demonstrated that the standard was being met all the time. (The original listing was based on old USGS data.) Finally, one water (Squaw Creek) was delisted since the original reason for listing (habitat degradation) has been remedied and the stream rehabilitated.

The State has also demonstrated, to EPA's satisfaction, good cause for not including Sulphur Creek and Billie Creek on its list. Further, the State has demonstrated good cause for delisting 17 of its waters from its list.

D. Priority Ranking

EPA also reviewed the State's priority ranking of listed waters for TMDL development, and concludes that the State properly took into account the severity of pollution and the uses to be made of such waters, as well as other relevant factors such as type of pollutant, endangered species issues, and programmatic needs. In addition, EPA reviewed the State's identification of WQLSs targeted for TMDL development in the next two years, and concludes that the targeted waters are appropriate for TMDL development in this time frame. The State identified all its waters on its Table B as needing TMDLs over the next two years.

The State's criteria for prioritizing its listed waters is found in its document entitled "Method for Determining Water Quality Condition of Surface Waters" (June 10, 2002). EPA believes that this criteria is reasonable because it builds on the statutory requirements regarding prioritization criteria. It also is considered reasonable because it uses supplemental criteria that is consistent with the guidance provided by EPA. The State prioritization criteria considers three categories of priorities: High Priority Waters, Medium Priority Waters and Low Priority Waters. The severity of pollution is considered in the High Priority category, for example, by considering the "ecological and human health hazard associated with specific pollutants." The uses to be made of waters are considered in the Low Priority category, for example, by considering if the designated waterbody use has "been determined to be naturally of very low quality (i.e., Class 3C waters)."

Waters targeted for TMDL over the next two year are those where there are human health and aquatic life issues related to point source pollutant discharges. There are both water quality as well as programmatic issues that cause these waters to be identified as needing TMDLs over the near future. These issues are addressed in the State's priority ranking factors discussed in "Method for Determining Water Quality Condition of Surface Waters" (June 10, 2002).

Other relevant factors the State took into account were local support and readiness, geographic efficiencies, and cross-political boundaries (both inter-state and intra-state) issues. According to EPA guidance, a state may elect to use additional criteria to prioritize its §303(d) waterbody list. See April 1991 document listed below. For example, the State listed certain waters as low priority based on commitments from local stakeholder groups to establish watershed plans to address the impairment. Such plans would be expected to result in attainment of standards in a reasonable time, thus negating the need for a TMDL. The State appropriately

chose to focus its near-term resources on TMDL development for other waters and scheduled the waters with stakeholder commitments for TMDL development later in the long-term schedule.

E. References

The following list includes documents that were used directly or indirectly as a basis for EPA's review of the State's §303(d) waterbody list. This list is not meant to be an exhaustive list of all records reviewed, but to provide the primary documents the Region relied upon in making its decisions to approve the State's list.

40 CFR Part 130 Water Quality Planning and Management

40 CFR Part 131 Water Quality Standards

December 28, 1978 Federal Register Notice, *Total Maximum Daily Loads Under Clean Water Act*, finalizing EPA's identification of pollutants suitable for TMDL calculations, 43 Fed. Reg. 60662.

January 11, 1985 Federal Register Notice, *40 CFR Parts 35 and 130, Water Quality Planning and Management: Final Rule*, 50 Fed. Reg. 1774

April 1991, "Guidance for Water Quality-Based Decisions: The TMDL Process," EPA 440/4-91-001.

July 24, 1992 Federal Register Notice, *40 CFR Parts 122, 123, 130*, revision of regulation, 57 Fed. Reg. 33040

August 13, 1992 memorandum from Geoffrey Grubbs, Director, Assessment and Watershed Protection Division, Office of Water, EPA Headquarters, to EPA Water Quality Branch Chiefs, Regions I - X and TMDL Coordinators, Regions I - X, regarding "Supplemental Guidance on Section 303(d) Implementation."

October 30, 1992 memorandum from Geoffrey Grubbs, Director, Assessment and Watershed Protection Division, Office of Water, EPA Headquarters, to Water Quality Branch Chiefs, Regions I - X, regarding "Approval of 303(d) Lists, Promulgation Schedules/Procedures, Public Participation."

November 26, 1993 memorandum from Geoffrey Grubbs, Director, Assessment and Watershed Protection Division, Office of Water, EPA Headquarters, to Water Quality Branch Chiefs, Regions I - X, and TMDL Coordinators, Regions I - X, regarding "Guidance for 1994 Section 303(d) Lists."

September 1996 1996 Wyoming Water Quality Assessment, Volume 2.

September 1996 1996 Wyoming Water Quality Assessment, Volume 3, Waterbody Data.
May 23, 1997 memorandum from Geoffrey H. Grubbs, Director, Assessment and Watershed Protection Division, Headquarters, US EPA to FACA Workgroup on Section 303(d) Listing Criteria, regarding "Nonpoint Sources and Section 303(d) Listing Requirements."

July 30, 1997 Wyoming Department of Environmental Quality Total Maximum Daily Load (TMDL) Workplan

August 27, 1997 memorandum from Robert H. Wayland III, Director, Office Wetlands, Oceans, and Watershed, Office of Water, EPA Headquarters, to Water Division Directors, Regions I - X, and Directors, Great Water Body Programs, and Water Quality Branch chiefs, Regions I - X, regarding "National Clarifying Guidance For 2000 State and Territory Section 303(d) Listing Decisions."

September, 1997 guidance from Office of Water, Headquarters, US EPA regarding Guidelines for Preparation of the Comprehensive State Water Quality Assessments (305(b) Reports) and Electronic Updates: Supplement, EPA-841-B-97-002B

September 12, 1997 letter from Carol L. Campbell, Director, Ecosystems Protection Program, Office of Ecosystems Protection & Remediation, US EPA, Region VIII to Gary Beach, Administrator, Water Quality Division, Wyoming Department of Environmental Quality regarding "Transmittal of TMDL Guidance."

November 24, 1997 letter from Governor Jim Geringer, State of Wyoming, to Jack McGraw, (Acting) Regional Administrator, EPA, Region VIII regarding transmittal of the State's Continuing Planning Process.

January 6, 1998 letter from Bruce Zander, TMDL Coordinator, US Environmental Protection Agency, Region VIII to Bobbie Frank, Executive Director, Wyoming Association of Conservation Districts regarding "Section 319 Projects and Section 303(d) Waterbody Lists."

February 4, 1998 letter from Max H. Dodson, Assistant Regional Administrator, Office of Ecosystems Protection and Remediation, US EPA, Region VIII to J. David Holm, Director, Water Quality Control Division, Colorado Department of Public Health and Environment and Region VIII Water Quality Directors (including Gary Beach, Administrator, Water Quality Division, Wyoming Department of Environmental Quality) regarding "303(d) Listing Requirements; Expiring Permits."

April 10, 1998 memorandum from Jack Smith, Watershed Program Principal (Wyoming Department of Environmental Quality) to TMDL Workgroup Members regarding "Proposed 5-year Monitoring Schedule."

April 24, 1998 draft final report from the TMDL Federal Advisory Committee to US EPA entitled TMDL Federal Advisory Committee Report prepared with assistance from Ross & Associates Environmental Consulting, Ltd.

April 27, 1998 handout from Jack Smith, Watershed Program Principal (Wyoming Department of Environmental Quality) to TMDL Workgroup Members regarding "Factors Considered in Formulating the Draft 5-Year Monitoring Schedule."

February 24, 1999 WS 35-11-103(c) and WS 35-11-302(b)(i) and (ii) Credible Data Law

August 23, 1999 64 Federal Register 46012 Proposed Revisions to the Water Quality Management and Planning Regulations.

April 26, 2000 "Application and Interpretation of Bioassessment Data in Wyoming: The Wyoming Stream Integrity Index"; Presentation and Handout by Jack Smith (Monitoring Program supervisor, Water Quality Division, Wyoming Department of Environmental Quality.

April 27, 2000 65 Federal Register 24641 EPA Review and Approval of State and Tribal Water Quality Standards.

April 28, 2000 memorandum from Robert H. Wayland, III (Director, Office of Wetlands, Oceans, and Watersheds) to Water Division Directors, Regions 1 - 10 entitled "EPA Review of 2000 Section 303(d) lists."

August 24, 2000 letter from Max H. Dobson, Assistant Regional Administrator, Office of Ecosystems Protection and Remediation, US EPA, Region VIII to Gary Beach, Administrator, Water Quality Division, Wyoming Department of Environmental Quality regarding the approval of Wyoming's 2000 §303(d) list.

April 30, 2001 memorandum from Gary Beach, Administrator, Water Quality Division, Wyoming Department of Environmental Quality, to TMDL Workgroup Members regarding "Preparations for FY 2002 303d listing."

December 27, 2001 memorandum from Beth Pratt, Watershed Program Manager, Water Quality Division, Wyoming Department of Environmental Quality to 303(d) List Recipients regarding "2002 Integrated Water Quality Monitoring and Assessment Report."

May 20, 2002 memorandum from Charles H. Sutfin, Director, Assessment and Watershed Protection Division, US EPA to Water Quality Branch Chiefs, TMDL Coordinators, Monitoring Coordinators, and ORC TMDL Attorneys (Regions I - X) regarding "EPA Review of 2002 Section 303(d) Lists and Guidelines for Reviewing TMDLs under Existing Regulations issued in 1992"

July 1, 2002 letter from Jeremy ZumBerge, Monitoring and Assessment Supervisor, Water Quality Division, Wyoming Department of Environmental Quality to Bruce Zander, TMDL Coordinator, Region VIII, US EPA regarding field monitoring schedule for 2002.

July 10, 2002 letter from Gary Beach (Administrator, Water Quality Division, Wyoming Department of Environmental Quality) to Max Dobson (Assistant Regional Administrator, US EPA; Region VIII) regarding transmittal of 2002 §303(d) List of Watebodies Requiring TMDLs.

2002 List Approval Wyoming.wpd